

THE HONB'E SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.11803 OF 2007

ORDER:

The writ petition is filed challenging the proceedings dated 19.05.2007 issued by the 2nd respondent removing the petitioners from the membership of the 4th respondent-Society.

It is the case of the petitioners that considering the feasible report dated 31.01.2007, submitted by the 2nd respondent-Assistant Director of Fisheries, petitioners and other members were admitted as members of the 4th respondent-society and they were continuing as members from February, 2007 onwards. While things stood thus, all of a sudden, the impugned proceedings were issued by the 2nd respondent on 19.05.2007 to the petitioners removing them from the memberships of the society even without issuing any prior notice and violating the principles of natural justice.

Heard Sri G. Krishna Murthy, learned counsel for the petitioners and the learned Government Pleader for Fisheries.

Learned counsel for the petitioners submits that no prior notices whatsoever were issued to the petitioners and directly the impugned proceedings were issued removing them from their membership of the 4th respondent-society.

Though, the counter-affidavit is filed by the 2nd respondent, the allegation that no notices were issued to the petitioners was not denied. There is also no counter-affidavit filed on behalf of the 4th respondent. In those circumstances, considering the fact that this Court has already granted stay of the impugned proceedings vide order dated 08.06.2007 in W.P.M.P.No.14668 of 2007 and also considering the allegation that the impugned proceedings are issued in violation of the principles of natural justice, which aspect has not been controverted, the interest of justice

would be served, if the impugned proceedings are set aside with a direction to the respondents to give an opportunity of hearing to the petitioners or to their authorized representatives and take appropriate action based on the same after following the principles of natural justice.

With the above observations, the writ petition is allowed setting aside the proceedings dated 19.05.2007 issued by the 2nd respondent with a direction to the respondents to give an opportunity of hearing to the petitioners or to their authorized representatives and take appropriate action in the matter, in accordance with law after following the principles of natural justice. No order as to costs.

Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

Date:17.09.2016,
Gk.



CHALLA KODANDA RAM,J

THE HONB'E SRI JUSTICE CHALLA KONDANDA RAM

WRIT PETITION No.11803 OF 2007

Date:17.09.2016.

